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Public Elections DEPARTMENT (1849)

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Elections - New constitution - System of polling to abrogate need for preparation of electoral rolls - Suggestion of Sri Rajabhushana Rao, Eleven - papers recorded.

Adult Franchise : Simplified procedure.

A SUGGESTION

The preparation of the Electoral Rolls for the new elections as planned by the Government is going to cost the country many Crores of rupees, which a poor country like India can ill afford.

It is worth while therefore to investigate if there are not other methods, adopted in other countries, which simplify the procedure and at the same time garantee a proper exercise of the franchise by every citizen qualified to vote. It is said that in some countries, the voter is asked to dip his finger in some fast colour, as an index of his having exercised his vote. He is thereby prevented from seeking to vote in the same or another constituency for If it is satisfactory to rely on one's declaration that one is over 21 years of age at the time of the preparation of the rolls, it is equally satisfactory to rely on such declaration at the time of voting itself. Moreover in the event of his age being challanged, a doct will be at hand to testify to his age, if better evidence is not available. If, once double voting is provided against, it is fairly safe to rely on the voters testimony about his residential qualification, or if need be the testimony of the village officers or the other officers present at the polling station.

Whether this method is adopted in toto or not it is a matter which requires serious consideration and a suitable procedure simple and economic enough for your country, has to be devised for the purpose insted of the costly and cumbersome machinery, which has been conceived by the Government and which does not after all ensure 50% of the correctness or the completness aimed at by the sponsor

Public (Elections) Department.

Please see the suggestion of Sri Rajabhushana Rao, Advocate, Eluru, in his printed circular and the orders thereon on p.1 ante.

2. The Draft Constitution of India provides for the elections to the Union and State Legislatures on the basis of adult suffrage. Under instructions from the Constituent Assembly the preparation of electoral rolls on the basis of adult franchise has already been undertaken. The compilation of the draft electoral rolls has almost been completed. The manuscript rolls have been prepared except for a few areas. It only remains to print these rolls and get them published as the preliminary electoral roll after the enactment of the new Electoral Law. The preparation of the electoral rolls is of course costing a considerable amount of expenditure which is inevitable in view of the formidable new electorate.

3. Sri Rajabhushana Rao considers that as a poor country like India can ill afford this huge expenditure it is necessary to devise some simplified procedure for the exercise of adult franchise by the new electorate. He has suggested that as in some countries which are not specified, the elector may, after exercising his vote, be made to dip his finger in some fast coloured ink as an index of his having exercised his vote. He is thereby prevented from seeking to vote in the same or another constituency again. The suggestion amounts to doing away with the electoral roll itself. It does not seem possible to adopt this suggestion as in practice, there may be difficulties as shown below.

4. It is stated that the declaration of the voter regarding his age and about his residential qualification at the time of voting may be accepted. In the event of his age being challenged, it is stated that a doctor will be at hand to testify to his age and the testimony of the village officers or other officers present at the polling stations can be taken about his residential qualification.

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Thus it will be seen that the polling officer is registration officer cum the revising authority cum the polling officer all rolled into one. It is not conceivable how one person can discharge all these functions at the same time. It is seen that in all these matters the polling officer will have to be guided solely by the local medical practioners and the village officers who cannot always be expected to given the truth. With the new formidable electorate there is need to simplify the voting procedure so as to enable the large number of voters at each polling booth to be handled efficiently and quickly. The suggestion made by Sri Rajabhushana Rao will tend to retard the progress of polling very badly.

5. It may also be mentioned that the qualifications for a voter are based not only on age and residence. It is also required that a voter should be a citizen of India and is not otherwise disqualified under the new Electoral Law on the ground of unsoundness of mind, crime or corrupt practice. It cannot be expected that the polling officer can decide on all these various matters in the polling booth itself in respect of each voter.

6. Further under the suggestion of Sri Rajabhushana Rao the delimitation of constituencies will have no meaning since a voter in one district or constituency will be at liberty to vote in another district or constituency. The intention to have delimitation of constituencies and to insist on a person to have resided for a sufficient period in the constituency to have electoral qualifications is to ensure that the electorate who have the choice to select a candidate to represent that constituency will have a local interest in the area and decide who can best represent that area. Under the system suggested on p.1 ante this intention is defeated. The fact that the system provides for the prevention of double voting i.e. for the prevention of the voter exercising his vote in another constituency, does not mitigate this evil.

Further at by-elections even this prevention is not effective. Voters in constituencies in which there are no

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elections will be at liberty to vote in a by-elections held in another constituency and they have no fear of losing the vote in their own constituency in proper time

7. Thus it will be seen that there are many disadvantages in having no electoral roll. The advantages of a having a roll, the validity of which cannot be questioned and on the basis of which the election can be conducted, far outweigh any consideration of expenditure involved in preparing such a roll. Further, according to Article 149(2) of the Draft Constitution of India---"every citizen who is not less than twenty one years of age shall be entitled to be registered asa voter at such elections". The Draft Constitution therefore contemplates the registration of voters, i.e. the preparation of electoral rolls and it is not therefore statucotirly possibly to do away with the electoral rolls.

8. Sri Rajabhushana Rao has stated that the costly and cumbersome machinery conceived by the Government for the preparation of the rolls does not after all ensure 50% of the correctness or the completeness aimed at by the sponsors. This is undoubtedly a sweeping statement which has no basis or foundation on facts. According to the orders of Government house to house enumeration was undertaken in all areas in the Province further opportunity was given for omitted persons to apply for enumeration within a specified time and houses which were not visited atthe general enumeration were again thoroughly checked by the enumerators and all qualified persons therein enumerated without asking for applications. According to the final figures of enumeration reported by the Collectors the number of persons enumerated in the whole Province works out to nearly 48 per cent of the total estimated population against the conjectured normal percentage of 50. Considering the apathy in electoral matters of the generally illiterate villagers and that this enumeration of voters on the basis of adult

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suffrage has been undertaken for the first time in this Province, this final result must be considered quite satisfactory. When the present draft rolls are published statutorily as the preliminary electoral roll under the New Electoral Law, wide publicity will be given of such publication and omitted qualified persons can put in their claims then and have their names included. The final rolls when ready will reflect the correct position. As already stated the allegation of Sri Rajabhushana Rao in this regard is sweeping and is not worth any consideration.

In any case as shown in the note above the procedure suggested by him in the circular on pollante is not feasible of adoption.

The note above sets out clearly the result that might follow if we have no final electoral rolls on the basis of which elections can be conducted. The only point in favour of ripping one's finger in a point of fast colour is to prevent double voting. Even this cannot be guaranteed. In olden times persons might have obediently ripped their fingers in paints but in these enlightened days, it is riticulours to ask a voter to smear his finger will paint that cannot be removed. The suggestion is not work pursu

Additional Secretary.

A number of good reasons have been given in the notes above for rejecting summarily Sri Rajabhushana Rao's suggestion. It is quite wrong to suppose that the Constituent Assembly, which consists almost entirely of persons who are very familiar with elections foolishly has committed the country to unnecessary expenditure on a large scale by prescribing the registration of voters, i.e. the preparation of electoral rolls.

Even the fast colour idea will not work so perfectly as the Advocate seems to imagine. I do not believe that there is any dye which now-a-days cannot be removed immediately by the application of suitable chemicals. If the fast colour will be permanent and cannot be removed at all, it will be an intolerable handicap for the voter to vote again at a future election in the same constituency where he has the right to vote!! Fashonable woman voters would strong object to such permanent or even temporary discolouration of their fingers! I do not know on what expert advice the Advocate thinks, as perhaps he does, that there are fast colours which will stick fast for a limited number of days and if not permanently. Further, the effectiveness of the fast colour may depend upon its supply in the correct concentration, and we cannot be sure that even if, Government undertake the supply of the correct colour, there would not be malpractices by dilution or otherwise in some areas.

Further as has been pointed out in the notes 2 above if the idea will not work in respect of bye-elections and if there must be electoral rolls for such elections, there is no point in not using the rolls for the general elections also I cannot imagine that the Advocate is prepared to dispense with bye-elections altogether, which will mean, in practice, apart from other considerations, that the particular constituencies where vacancies have arisen will have to go without representation in the Legislature for the life-time of that legislature which is quite an unthinkable idea in a Demoratic Constitution.

Nor is the identification of voters at polling booths such an easy matter as the Advocate seems to assume. This will be particularly the case in large towns lil Madras and Madura, where even the local Bill Collectors

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and others who make house-to-house visits more frequently than others, cannot identify all the qualified citizens of both sexes even in their respective local areas. The other day, in a small place like Ward No.3 of Tenali Municipality, the enumerators were successfully fooled by outsiders brought from adjoining villages to swell the electoral roll of the ward for the benefit of a particular prospective candidate for Municipal Elections. In large towns the identification of the large numbers of voters will be mostly a farce in the absence of an electoral roll.

Under the Advocate's suggestion, the polling officer will not only have a terrible responsibility to discharge, but will have dictatorial powers to decide the electoral rights of citizens, and therefore indirectly, but effectively the results of an election. The citizen, whom the polling officer has turned away, would have no remedy; no right of appeal to a revising authority or any other authority. The scheme suggested by the Advocate will lead to innumerable election petitions -- impersonation, unqualified persons' voting etc -- which cannot be adjudicated upon satisfactorily in the absence of an electoral roll. Persons on polling duty, including the identifying officers, can hardly recollect and identify at the time of the hearing of an election petition relating to elections in a large town, everyone of the unscrupulous citizens who may have indulged in malpractices.

'X' at p.1 [illegible]ems to be only a repetition of the misrepresentation indulged in even by some M.L.As. of what H.M.(Finance) said in this connection. While H.M(Finance) referred to 50% of the population, he was alleged to have expressed satisfaction over having secured 50% of the qualified persons!

As H.M.(Finance) is aware, our target of 50% of the population is based on age-group statistics of the 1931 Census, according to which the percentage of the population in our Province, which is above the age of 21, is 49.9. The correct enumeration percentage, even according to the 1931 Census, will be something less than 49.9 if we make allowance, as we should, for the large number of persons who, forsome reason or other,

are unqualified with reference to qualifications other than the age restriction, particularly lack of the residential qualification. There is, therefore, little doubt that in this Province, we shall achieve the best practicable results in regard to enumeration of qualified persons after the disposal of claims under the New Electoral Law. Mr.Rajabhushana Rao has the least cause to complain, because his own district of West Godavari has already done very well in regard to enumeration, scoring, I remember, slightly above 50% (50.6% to be exact)

His suggestion does not seem to deserve any further consideration